

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 632
MC 74/2021

In the matter between:

THE GOVERNMENT OF SEYCHELLES
(rep. by Nissa Thompson)

Applicant

and

JOSHUA ERROL ONEZIME
(Unpresented)

Respondent

Neutral Citation: *Gov of Sey v Onezime* (MC74/2021) [2021] SCSC 632 (06th October 2021)
Before: Burhan J
Heard: 29th September 2021
Delivered: 06th October 2021

ORDER

I allow this application and issue an interim order under section 3 of POCA prohibiting the disposal of, dealing with or diminishing in value of the specified property set out Table to the Notice of Motion which is cash totalling a sum of SCR 312,736.00.

I further appoint Inspector Terence Roseline to be the Receiver of the said specified property and to hold the same as set out in paragraph [1] (3) herein until further orders from this Court.

I further make order that a copy of this order be served on the Respondent Joshua Errol Onezime (NIN 999-0260-1-1-22) at Roche Caiman.

BURHAN J

[1] This is an ex-parte application under section 3 of the Proceeds of Crime (Civil Confiscation) Act 2008 (POCA) as amended. The Applicant seeks the following reliefs.

(1) That this Ex-Parte application is listed and heard as a matter of extreme urgency as per rule 7 (1) of the Proceeds of Crime (Civil Confiscation) Act.

(2) For an Interim Order pursuant to section 3 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended prohibiting the Respondents or any other person specified in the order from disposing of or otherwise dealing with whole or any part of the property set out in table to the Notice of Motion;

(3) That on the making of an order under (1) above, Inspector Terence Roseline or such other person as this court shall direct be appointed as Receiver over all or part of the said property to manage, keep possession or dispose of, or otherwise deal with any other property in respect of which he is appointed in accordance with the courts directions, pursuant to section 8 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended.

(4) For an order providing for Notice of any such order to be given to the Respondents or any other person directed by the court;

(5) Such further or other order as the court shall deem just and proper in all circumstances in this case.

[2] I have considered the details contained in the affidavit dated 29 September 2021 of Inspector Terence Roseline attached to the Financial Crime Investigative Unit (FCIU). It is clear on perusal of the said affidavit and annexures attached therein that Inspector Terence Roseline has conducted detailed investigations in respect of the specified property

namely the money as tabulated in the Table to the Notice of Motion totalling a sum of SCR 312,736.00 (three hundred and twelve thousand seven hundred and thirty six).

[3] Learned Counsel Ms Nissa Thompson moving for the aforementioned orders, relies on the contents of the said affidavit filed by Inspector Terrence Roseline in order to establish that there are clearly reasonable grounds for suspecting that the said specified property referred to above taken into custody from Joshua Errol Onezime (NIN 999-0260-1-1-22) hereinafter referred to as the Respondent, constitutes benefit accrued from criminal conduct namely trafficking in controlled drugs and money laundering and to establish further that the property in question set out in the Table of the Notice of Motion has a value of more than SCR 50, 000.

[4] Learned Counsel Ms Thompson also referred to the facts stated in paragraph 5 of the affidavit that on the 17th day of September 2021 the Anti-Narcotics Bureau (ANB) received information that the Respondent was undertaking a drug transaction. Around 10.10 hrs Officers of the ANB (Anti-Narcotics Bureau) had intercepted a red Kia Rio bearing registration number S3265 driven by the Respondent. They had informed him that they would be searching his residence and accompanied by him, they had gone to his residence at Roche Caimon. They had proceeded to search the bedroom of the house and found four bags all containing cash Seychelles rupees in different denominations. They had taken into custody two digital scales containing traces of controlled drug and on testing it revealed that one scale had traces of Cocaine the other Cannabis. The affidavit at paragraph 9 also refers to two exercise books taken into custody containing incriminating entries referring to drug transactions and money. The ANB officers had also searched the spare bedroom in the house and found under a wardrobe a yellow bio-degradable bag containing US dollars and Euros in different denominations.

[5] The details of the cash taken into custody are given in paragraph 16 of the affidavit.

- [6] On perusal and analysis of the facts contained in the affidavit, this Court is satisfied that the Respondent has up to now been unable to explain that he is generating an income from any legal source. It is clear investigations are going on and further time is needed.
- [7] I am therefore satisfied on the information contained in the affidavit that there are reasonable grounds to believe that the property set out in the Table to the Notice of Motion namely cash in a sum of SCR 312,736.00 constitutes, directly or indirectly, benefit from criminal conduct. I am also satisfied that the value of the impugned property is not less than SCR 50, 000.
- [8] I therefore make the following orders:
- a I allow this application and issue an interim order under section 3 of POCA prohibiting the disposal of, dealing with or diminishing in value of the specified property set out Table to the Notice of Motion which is cash totalling a sum of SCR 312,736.00.
 - b I further appoint Inspector Terence Roseline to be the Receiver of the said specified property and to hold the same as set out in paragraph [1] (3) herein until further orders from this Court.
 - c I further make order that a copy of this order be served on the Respondent Joshua Errol Onezime (NIN 999-0260-1-1-22) at Roche Caiman.

Signed, dated and delivered at Ile du Port on 06th October 2021.

M Burhan J

